

REMARKS

1. Information Disclosure Statement

Applicant submits herewith a replacement Information Disclosure Statement in which the references that were not provided with the original submission are now submitted.

2. Claim Rejections – 35 U.S.C. 112

Applicant submits herewith an amended Claim 21 which addresses the issue raised by the Examiner with regard to vagueness.

3. Claim Rejections – 35 U.S.C. 102(e)

Claims 1-7, 9-12, and 17-23 are rejected under U.S.C. 102(e) as being anticipated by Hinton (US 2006/0048216 A1). However, Applicant notes that Hinton is not prior art. The instant application has a filing date of 04 February 2004. Hinton has a filing date of 21 July 2004. As such, Hinton cannot be prior art for purposes of 35 U.S.C. 102(e). Accordingly, the Examiner's rejections under 35 U.S.C. 102(e) are deemed moot.

CONCLUSION

Accordingly, the application is deemed to be in allowable condition and Applicant solicits an early Notice of Allowance, especially considering the delay in examination necessitated by the Patent Office's error in not properly affording a filing date to the application. Should the Examiner deem it helpful, he is encouraged to contact Applicant's attorney, Michael A. Glenn, at 650-474-8400.

Respectfully Submitted,



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